

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re

ROBERT J. LA ROCCO,  
  
Lawyer (Bar No. 42536).

Supreme Court No. \_\_\_\_\_

DECLARATION OF  
JENNIFER REED

I, Jennifer Reed, declare and state:

1. I am over the age of 18 years of age and am competent to testify if called as a witness in these proceedings. I make the statements in this declaration from my personal knowledge.

2. I am the mother of Jonathan Reed. Jonathan has a learning disability that limits his understanding, and I act as his representative.

3. As of April 1, 2016, there was an active parenting plan action between Jonathan and the mother of his children in Whatcom County Superior Court No. 16-3-00223-4, but there was no parenting plan filed.

4. On January 28, 2017, Jonathan and I met Mr. La Rocco at his office regarding an urgent child custody situation.

5. The mother of Jonathan's children had taken the children for a visit and refused to return them. The mother was homeless and abusing alcohol and drugs. One of the children has a medical condition and the mother was not providing the necessary medication, leading us to believe the children's safety was in immediate jeopardy.

6. During that meeting with Mr. La Rocco, I stressed the urgency of the case.

7. Mr. La Rocco advised me that he could get the children returned very quickly and that his fee would be approximately \$3,500. He agreed to accept \$1,000 down, with monthly payments of \$500 toward the remaining balance.

8. I agreed, and wrote Mr. La Rocco a personal check for \$1,000. Mr. La Rocco subsequently negotiated the check. A copy of check 5349 is attached as Exhibit A to this declaration.

9. There was no written fee agreement.

10. On January 31, 2017, we had a brief meeting with Mr. La Rocco to sign paperwork requesting an emergency ex-parte hearing.

11. On February 1, 2017, Mr. La Rocco advised us that he would appear before a commissioner that day to present the emergency ex-parte order and seek the return of the children.

12. After calling repeatedly, I contacted Mr. La Rocco that evening, and he told me that the commissioner had denied the request. Mr. La Rocco said he would need to file additional paperwork, and that he would have the paperwork ready to sign and file on February 2 or 3.

13. On February 2, 2017, I texted Mr. La Rocco to ask if he needed a signature on the paperwork so he could file. La Rocco responded

by text "not until tomorrow." A copy of the text exchanges between me and Mr. La Rocco is attached as Exhibit B to this declaration.

14. I followed up the next day, asking if we would be able to get a court date as Jonathan's son had been off his medication for over two weeks and we had received calls from the children's mother and pediatrician regarding the health of the child. Mr. La Rocco did not respond. See, Exhibit B.

15. On February 3, 2017, I texted Mr. La Rocco asking what time we should come in to sign the paperwork. I received no response.

16. After leaving several messages for Mr. La Rocco, we drove from Ferndale to Bellingham on February 4, 2017. No one was at Mr. La Rocco's office.

17. That afternoon, Mr. La Rocco called and said he would file the pleadings on February 6.

18. On February 6 and 7, I called Mr. La Rocco to check the status of the case, but Mr. La Rocco did not respond.

19. On February 8, 2017, we drove to Mr. La Rocco's office, and met with someone who worked in the office. On that date, Jonathan signed a single page document that appeared to be the last page of the parenting plan. The office worker stated they did not have the other pages of the document.

20. On February 10, 2017, I emailed Mr. La Rocco and asked if the document had been filed, if there was a court date, and if the mother had been served. Mr. La Rocco responded by email "yes to both!" A copy of email exchanges between me and Mr. La Rocco between January 27, 2017 and February 13, 2017 is attached as Exhibit C to this declaration. Mr. La Rocco also advised he would call after 3 p.m. that day, but he did not. See, Exhibit C.

21. On February 11, 2017, I emailed and called Mr. La Rocco regarding the status of the case, but he did not respond. See, Exhibit C.

22. On February 13, 2017, I emailed and texted Mr. La Rocco. Mr. La Rocco did not respond. A copy of the emails I sent Mr. La Rocco between February 15, 2017 and February 16, 2017 is attached as Exhibit D to this declaration. And see, Exhibit C.

23. On February 13, 2017, I went to the Whatcom County Clerk of Court and spoke with the clerk, who informed me that there was no petition or filing relating to Jonathan's case.

24. I immediately emailed Mr. La Rocco, requesting that he return all original documentation we had provided and refund the money so they could hire a new lawyer. See, Exhibit D. Mr. La Rocco did not respond.

25. On February 14, 2017, I filed a Notice to Terminate Mr. La Rocco as our lawyer with the Whatcom County Superior Court.

26. On February 15, 2017, I received an email from Mr. La Rocco that he was in court, but had received service confirmation "on the other side" and would call when he was available. See, Exhibit D.

27. I replied that I knew that he had not filed anything and there was no service to confirm and again demanded the return of the file. See, Exhibit D. Mr. La Rocco did not respond.

28. On February 16, 2017, I emailed Mr. La Rocco and demanded that he return our original documentation and give us a refund. See, Exhibit D.

29. Mr. La Rocco responded by email approximately two hours later stating he would be back in Bellingham that afternoon and would call. See, Exhibit D. Mr. La Rocco did not call.

30. On February 17, 2017, Mr. La Rocco sent me an email stating that he would send Jonathan's file and a bill to his address of record. A copy of Mr. La Rocco's February 17, 2017 email is attached as Exhibit E to this declaration. Mr. La Rocco did not return Jonathan's file or send a bill.

31. On February 23, 2017, Mara Snyder, our new lawyer, sent a letter to Mr. La Rocco requesting the refund of the money he received. A

copy of the February 23, 2017 letter from Mara Snyder to Robert La Rocco, attached as Exhibit F to this declaration. Mr. La Rocco did not respond.

32. We have never received a refund, file or billing statement.

33. Mr. La Rocco has not responded to any text, email or voice mail since February 17, 2017.

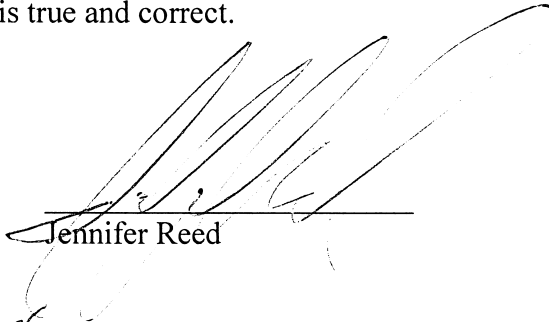
34. The delay left Jonathan at a significant disadvantage because the mother enrolled the children in school in Tacoma.

35. On April 17, 2017, Jonathan and I filed a grievance against Mr. La Rocco with the Washington State Bar Association.

36. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

9-25-17  
Date & Place

420 Telegraph Road  
Bellingham, WA  
98224

  
\_\_\_\_\_  
Jennifer Reed

# EXHIBIT A

S. Kelly  
Fe. Dep. 14.11.14  
7.7.29 Kelly  
355818



# EXHIBIT B

# TEXTS FROM (360) 603-9545

(360) 2/13/17 9:59am. Robert, I've emailed, called, and texted, why do you not respond? What is the status? On Friday you said "Yes" to both questions and said you would call, however we received NO call. Are the declarations ready to go so we can get signatures? What is the court date? I would appreciate a call, I can be reached at 360.758.2181. Thank you.

(360) 2/15/17 1:06pm. Robert...per our conversation at 6pm two nights ago, you claimed the parenting plan had been filed and served, however Whatcom County Clerk's Office shows NO notice of court appearance, in fact there is NOTHING showing case filed or proof of service. Nor is there anything verifying Wed Feb 1st hearing before judge even though Jon and I came to your office Tue Jan 31st at 4pm for a signature. As far as your statement about being "Micro Managed" and not working weekends, if you will recall you made an appointment for 11am a Saturday Jan 28th, a weekend "so you could get a jump on the case". Since that date you have given meeting TIMES and DATES, then you do not call, email, or text that you are running late or need to reschedule. This is a lack of common courtesy, disrespectful and unprofessional, so YES we would call, text, or email "What's up? What's the status?"

This has nothing to do with "Micro Management", it would have taken 2 minutes for you to touch bases instead of leaving clients hanging for hours and or days! Furthermore if you had filed and served last Friday as you claimed, why did you not email me a confirmation copy Monday evening after our 6pm phone when you got home. I stopped by the County Clerk's Office again yesterday (Tue) at 4pm, they show NOTHING concerning this case, they even checked their daily mail. And here we go again, you left a voice mail yesterday at 3:18pm that you would CALL at 10am this morning, I get an email at 10:40 instead, stating you are in court but have "service confirmation from the other side." This morning I contacted Sandy again, we have filed a termination complaint with the Courts. I need all my original documents and the \$1000. given to you Jan 28th TODAY at your office for pick up. Please

email me or have

Mike/receptionist call me when they are ready for pick up. Thank you.

(360) 2/16/17 10:43am. Robert, I will be in Bellingham this morning and need to stop by your office to pick up my original documents and refund check. Have you dropped them off? I need them immediately. Thank you

## TEXTS FROM (518) 488-8800

1/27/17 7:03pm. Jennifer, this is Robert La Rocco confirming our appointment for tomorrow, Saturday, January 28, at 11AM at my office at 2219 Rimland Drive, Suite 301,

12/27/17 7:03pm. In Bellingham (Barkley Village). Please let me know if you have any questions or if your plans change. 360-603-9545.

1/28/17 8:28am. We will there at 11. Which side of Barkley, the Haggens side or the bank side. I see you are on the third floor, there is an elevator right. I had back surgery in Nov and Jon's step mom has a walker.

1/28/17 10:04am FROM ROBERT LA ROCCO. Hello, Jennifer! Yes, there is an elevator. It's on the Haggens side.

1/28/17 10:11am. Thank you...😊

1/30/17 8:23am. Just a heads-up, after I replied to your email Saturday my gmail account went down and I can not pull anything up so I will need to go to Verizon to get it fixed?!

2/1/17 4:08pm. We are at home waiting for your call on how court went on the "Exporta" and to do the parenting plan. The home phone number is 360.758.2181.

2/2/17 4:39 pm. Just following up on Jonathan's case to see how it's going and if you need a signature today.

2/2/17. 5:29pm FROM ROBERT. Not until tomorrow.

2/2/17 6:21pm. Will we be able to file tomorrow and get a court date? Ian has been off his meds now for almost two weeks and Jon got a voice message from Kaytie concerning Ian's medication and then approx 20 mins later we got another call from the kid's doctor from PeaceHealth. I'm concerned for these 2 children so they can resume a normal life.

2/3/17 12:01pm. What time do you want Jon and I to come in so he can sign the parenting plan so it can get filed. I am at home so please call the house phone at 360.758.2181. Thank you.

2/3/17 2:46pm. Jon and I are in Bellingham, please call me on my cell 360.920.7056.

2/7/17 12:57pm. Are you filing today, Bella Facebooked her Dad and said Kaytie was enrolling them in Tacoma today...

2/7/17 1:38pm. My email is not working correctly, for some reason I am not getting my notifications, my texts are going thru better and giving me notifications?!? Like I said before, I'm in a BAD signal area, please call the house phone whenever possible, thank you

2/15/17 3:43pm. Since you have two phone numbers I am forwarding texts sent from 360.603.9545. Robert...per our conversation at 6pm two nights ago, you claimed the parenting plan had been filed and served, however Whatcom County Clerk's Office shows NO notice of court appearance, in fact there is NOTHING showing case filed or proof of service. Nor is there anything verifying Wed Feb 1st hearing before judge even though Jon and I came to your office Tue Jan 31st at 4pm for a signature. As far as your statement about being "Micro Managed" and not working weekends, if you will recall you made an appointment for 11am a Saturday Jan 28th, a weekend "so you could get a jump on the case". Since that date you have given meeting TIMES and DATES, then you do not call, email, or text that you are running late or need to reschedule. This is a lack of common courtesy, disrespectful and

unprofessional, so YES we would call, text, or email "What's up? What's the status?" This has nothing to do with "Micro Management", it would have taken 2 minutes for you to touch bases instead of leaving clients hanging for hours and or days! Furthermore if you had filed and served last Friday as you claimed, why did you not email me a confirmation copy Monday evening after our 6pm phone when you got home. I stopped by the County Clerk's Office again yesterday (Tue) at 4pm, they show NOTHING concerning this case, they even checked their daily mail. And here we go again, you left a voice mail yesterday at 3:18pm that you would CALL at 10am this morning, I get an email at 10:40 instead, stating you are in court but have "service confirmation from the other side." This morning I contacted Sandy again, we have filed a termination complaint with the Courts. I need all my original documents and the \$1000. given to you Jan 28th TODAY at your office for pick up. Please email me or have

Mike/receptionist call me when they are ready for pick up. Thank you.

2/15/17 4:27pm. Per your question left on my voicemail left at 4:10pm 2/15/17, Jonathan was served a proposed parenting plan from Katherine Friday April 15th, 2016 five minutes prior to entering the Commissioner Henley's courtroom.

2/16/17 10:43am. Robert, I will be in Bellingham this morning and need to stop by your office to pick up my original documents and refund check. Have you dropped them off? I need them immediately. Thank you

# EXHIBIT C

## Fwd: Re: Appointment Confirmation

Jennifer Reed <jenniferreed123@gmail.com>  
To: ods06531cpc@officedepot.com

Mon, Feb 13, 2017 at 5:54 PM

----- Forwarded message -----

From: "Jennifer Reed" <jenniferreed123@gmail.com>  
Date: Feb 13, 2017 4:49 PM  
Subject: Re: Appointment Confirmation  
To: "Robert Joseph La Rocco" <robert@laroccolaw.us>  
Cc:

I just spoke to Mike the receptionist, he said you have not been in to return my paperwork, I need for you to return requested items ASAP.

On Feb 13, 2017 1:58 PM, "Jennifer Reed" <jenniferreed123@gmail.com> wrote:

I'm here at the clerk's office talking to Sandy and she said you have never filed anything! I need all of my documents back immediately and I will be meeting with the court facilitator. Sandy said you did not file a notice of court appearance, I want everything back, the money, and all paperwork including my declarations. I need to pick up in your office TODAY.

On Feb 13, 2017 9:46 AM, "Jennifer Reed" <jenniferreed123@gmail.com> wrote:

Robert, what is the status? Why do you not respond to emails, phone calls, or texts? You said Friday "Yes" to both questions but didn't call. What needs to be done with the declarations? Jon and I would appreciate a call, I can be reached at 360.758.2181. Thank you

On Feb 11, 2017 2:36 PM, "Jennifer Reed" <jenniferreed123@gmail.com> wrote:

Robert, can you give me a call at home 360.758.2181 with a current status report. Thank you.

On Feb 11, 2017 1:32 PM, "Jennifer Reed" <jenniferreed123@gmail.com> wrote:

Yes, I'm at home, my cell phone has bad service here, call me on the house phone.. 360.758.2181

On Feb 10, 2017 12:49 PM, "Robert Joseph La Rocco" <robert@laroccolaw.us> wrote:

Jennifer,

yes to both! Thanks for the quick action on the signature.

I can call you after 3, today; will you be available?

~ RJLR

Sent from my iPhone

On Feb 10, 2017, at 10:57, Jennifer Reed <jenniferreed123@gmail.com> wrote:

Just doing a follow up on how things are going and when you need to get the declarations signed. Do we have a court date and has Katherine been served yet?

On Feb 1, 2017 4:06 PM, "Jennifer Reed" <jenniferreed123@gmail.com> wrote:

Robert, just a note to say we are at home waiting for your call. My home number is 360.758.2181.

On Jan 31, 2017 6:24 PM, "Jennifer Reed" <jenniferreed123@gmail.com> wrote:

Jon said Hunter was 16. Please add to Jon's declaration he went over to the Queen St house approx 15 times and the floor, couch, blow up bed, and hall would have 7 to 12

street people sleeping on wherever. On several occasions Katherine would meet him at the patio door and not allow him in because there were so many people, she would get the kids and their clothes and bring them to him on the patio porch and he would get the WTA bus and take them to Ferndale. Sometime he would have them a week, sometimes 2, during that time she would not call. He would call HER to say good night to the kids, sometimes she did, sometimes she didn't.

On Jan 27, 2017 7:28 PM, "Robert Joseph La Rocco" <robert@laroccolaw.us> wrote:

Jennifer,

this is to confirm our appointment at my office at 2219 Rimland Drive, Suite 301, in Bellingham Washington, tomorrow, Saturday, January 28, 2017, at 11:00AM.

Please call me if you have any questions or if your plans change.

*Robert Joseph La Rocco*

Attorney and Counselor at Law

Juris Doctor

Master of Science in Accounting and Taxation

THE LA ROCCO LAW FIRM, P.C.

Tel. 360-603-9545

Fax 206-452-5532

Email: attorney@laroccolaw.us

Website: www.laroccolaw.us

# EXHIBIT D



ROBERT LA ROCCO

Jennifer Reed <jenniferreed123@gmail.com>  
To: ods06531cpc@officedepot.com

Thu, Feb 16, 2017 at 12:05 PM

ROBERT LA ROCCO

----- Forwarded message -----

From: "Robert Joseph La Rocco" <robert@laroccolaw.us>  
Date: Feb 16, 2017 12:00 PM  
Subject: Re: Appointment Confirmation  
To: "Jennifer Reed" <jenniferreed123@gmail.com>  
Cc:

Jennifer,

I will be back in Bellingham and available this afternoon. I will call you, first.

~ RJLR

Sent from my iPhone

On Feb 16, 2017, at 10:11, Jennifer Reed <jenniferreed123@gmail.com> wrote:

Robert, I need to get my original documents and refund from your office this morning. Have you dropped them off? Thank you.

On Feb 15, 2017 6:42 PM, "Jennifer Reed" <jenniferreed123@gmail.com> wrote:

Robert, I called Mike/receptionist prior to the office closing at 5pm tonight and you have NOT returned any of my original documents or a refund check. You have been legally and officially terminated and the paperwork is filed with our Whatcom County Clerk's Office under this case number 16 3 00223 4. This action was stated earlier in texts sent to both your phones. You can verify with their office if you desire. As I have stated several times thru texts and emails I need both my paperwork and refund returned immediately, I will be stopping by your office tomorrow morning to pick them up. Thank you.

On Feb 15, 2017 10:53 AM, "Jennifer Reed" <jenniferreed123@gmail.com> wrote:

Service confirmation?!? How is this even possible, I have spoken to Sandy Chief Deputy Clerk this morning and NOTHING shows up since the April 15th, 2016 hearing. Nothing filed, no delivery service....zero

On Feb 15, 2017 10:40 AM, "Robert Joseph La Rocco" <robert@laroccolaw.us> wrote:

Jennifer,

I'm in Court, right now, but just received service confirmation on the other side.

I'll call as soon as I'm done, here.

~ RJLR

# EXHIBIT E

## Fwd: Notice of Intent to Withdraw

Message

Jennifer Reed <jenniferreed123@gmail.com>  
To: ods06531cpc@officedepot.com

Fri, Feb 17, 2017 at 3:52 PM

----- Forwarded message -----

From: "Robert Joseph La Rocco" <robert@laroccolaw.us>  
Date: Feb 17, 2017 12:32 PM  
Subject: Notice of Intent to Withdraw  
To: <jenniferreed123@gmail.com>  
Cc:

Jennifer,

I have read your email of Wednesday, , 6:43PM on Thursday. Attached please find my Notice of Intent to Withdraw, which will go out today.

\* Jonathan's case file will be sent to his address of record. A billing statement will be sent to the same address, separately.

(NEVER RECEIVED CASE FILE OR BILLING STATEMENT)

The hearing on the Motion for Temporary Family Law Order is scheduled for March 3, at 1:30PM. It will need to be confirmed with the clerk of the Court no later than at noon, two court days before the hearing, and not sooner than noon, five court days before the hearing.

Should Jonathan receive a Response to his Motion from the Respondent, he will need to file and serve a Reply to the Response no later than noon, two court days before the hearing. The Respondent's Response must be filed and served no later than five court days before the hearing, so Jonathan may have to prepare and serve his Reply on the same day that he receives the Response.

As I write this, Katherine has neither responded to the Petition nor to Jonathan's Motion, although the Court may treat her existing filings as a Response to the Petition.

I suggest filing an ex-parte Motion for Default before the hearing to obtain a Default on the matter. The Default can be obtained ex-parte but personal service will be required for the entry of a default judgment; you can either hire a process server in Pierce county for that, or serve her when she attends the motion hearing. If a Default is granted, I suggest scheduling a hearing for the Entry of a Default judgment and to have the required pleadings ready for service on the Respondent at the time of the Motion hearing. Make sure you set the hearing on the Entry of Default Judgment sufficiently far out that the procedural time requirements are met even if you wind up having to serve Katherine in Pierce county, should she not attend the motion hearing.

Should Katherine fail to file a timely Response to the Motion, it is imperative that she not be permitted to present evidence at the time of the hearing.

Jonathan's Motion and all supporting documents were served by mail to both known addresses of Katherine, on time. As soon as I have delivery confirmation from the USPS, I will file Proof of Service. If Jonathan does not wish for me to file ~~★~~Proof of Service, I will mail it to him, instead. Since Katherine has not responded to the Petition, the Court does not have an address of record for her and neither do we. The Court may, therefore, require personal service by a process server for the Motion, in which case the hearing will need to be reset. If the Court requires personal service for Katherine's lack of filing a Response to the Petition, I would use that as an argument that she is in Default, and get an Order to that extent. (DID NOT RECEIVE PROOF OF SERVICE)

Civil rules require me to give Jonathan ten days in which to object to my withdrawal, which I don't believe he will do.

I wish Jonathan all the best; I believe he has a good case. I will be available for one further telephone consultation, at no charge, as long as the withdrawal is not yet effective.

*Robert Joseph La Rocco*

Attorney and Counselor at Law

Juris Doctor

Master of Science in Accounting and Taxation

THE LA ROCCO LAW FIRM, P.C.

1313 E. Maple Street, Suite 201-531

Bellingham, WA 98225

Tel. 360-603-9545

Fax 206-452-5532

Email: [attorney@laroccolaw.us](mailto:attorney@laroccolaw.us)

Website: [www.laroccolaw.us](http://www.laroccolaw.us)

📎 reed jonathan dm 95 noitw.pdf  
14K

# EXHIBIT F

## *The Law Office of Mara Snyder, PLLC*

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February 23, 2017

Robert La Rocco  
Legalities, P.C.  
1313 E. Maple St.  
Suite 201-531  
Bellingham, WA 98225

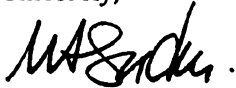
Re: Jonathan Reed

Mr. La Rocco,

I have been retained by Mr. Reed to represent him in cause number 16-3-00223-4. I have reviewed the file, and because the pleadings have significant deficiencies, I am re-filing the motion and parenting plan, as well as child support order and worksheets. Additionally, the delay has left Mr. Reed at a significant disadvantage – the mother has now enrolled the children in school in Tacoma. Bringing these children back was initially a straight-forward proposition; now it is a gamble. I do not know, and do not judge, what happened while this case was in your care. What I can say is this – they need a full refund of their \$1,000.00 deposit. Withholding any funds for work that now has to be duplicated is not equitable. Please forward the entirety of their deposit to my office by March 1, 2017.

Thank you.

Sincerely,



Mara Snyder  
WSBA# 43474  
Cc: client, file.

# WASHINGTON STATE BAR ASSOCIATION

September 26, 2017 - 2:57 PM

## Filing Attorney Discipline

### Transmittal Information

**Filed with Court:** Supreme Court

**Appellate Court Case Number:** Case Initiation

**Trial Court Case Title:**

#### The following documents have been uploaded:

- ATD\_Affidavit\_Declaration\_20170926144325SC282271\_2725.pdf  
This File Contains:  
Affidavit/Declaration - Other  
*The Original File Name was Declaration of Jennifer Reed.PDF*

#### A copy of the uploaded files will be sent to:

- allisons@wsba.org
- attorney@larocolaw.us
- francescad@wsba.org

#### Comments:

In re Robert Joseph La Rocco. Declaration of Jennifer Reed

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Sender Name: Carol Kinn - Email: carolk@wsba.org

Address:

1325 4th Avenue

Suite 600

Seattle, WA, 98101

Phone: (206) 727-8291

**Note: The Filing Id is 20170926144325SC282271**